

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**JOHNNY L. BUXTON, JR.**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 2:21-cv-1-TBM-RPM**

**COMMISSION OF SOCIAL SECURITY**

**DEFENDANT**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on submission of the Report and Recommendation [28] entered by United States Magistrate Judge Robert P. Myers on August 5, 2022. The Plaintiff, Johnny L. Buxton, Jr., seeks judicial review of the final decision of the Commissioner of Social Security Administration denying his claim for disability insurance benefits. Judge Myers recommends that the decision of the Commissioner be affirmed.

Neither the Commissioner of Social Security nor the Plaintiff have filed an objection to the Report and Recommendation, and the time for filing an objection has expired. “When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72(b) advisory committee’s note to 1983 addition (citations omitted); *see Casas v. Aduddell*, 404 F. App’x 879, 881 (5th Cir. 2010) (affirming district court’s dismissal of Section 1983 claims and stating that “[w]hen a party fails timely to file written objections to the magistrate judge’s proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error”) (citing *Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), *superseded by statute on*


*other grounds*, 28 U.S.C. § 636(b)(1)); *Douglass*, 79 F.3d at 1430 (affirming district court's grant of summary judgment).

The Court finds that the Magistrate Judge's Report and Recommendation is neither clearly erroneous nor contrary to law. The Report and Recommendation will be adopted as the opinion of the Court.

IT IS THEREFORE ORDERED AND ADJUDGED that Report and Recommendation [28] entered by United States Magistrate Judge Robert P. Myers on August 5, 2022, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that this case is DISMISSED WITH PREJUDICE.

This, the 13th day of September, 2022.

  
TAYLOR B. McNEEL  
UNITED STATES DISTRICT JUDGE